

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JONATHON ACOSTA, <i>et al.</i>	:	
	:	
	:	
Plaintiffs,	:	
v.	:	C.A. No. 20-
	:	
	:	
JUAN PABLO RESTREPO, <i>et al.</i>	:	
	:	
Defendants	:	

**PLAINTIFFS' EMERGENCY MOTION FOR INJUNCTIVE RELIEF
AND REQUEST FOR EXPEDITED HEARING**

The current ballot qualification process in Rhode Island requires in-person solicitation and receipt of signatures, an in-person witness, and use of a common petition form for each twenty (20) signatures. *See R.I.G.L. §§ 17-14-8 & 10.* Pursuing such a ballot qualification process needlessly exposes candidates, their supporters, and the general public to risks associated with the Covid-19 pandemic with no justifiable countervailing government interest.

In this action, Plaintiffs Jonathon Acosta, Jeanine Calkin, Leonardo (“Lenny”) Cioe, Gayle Goldin, Tiara Mack, and Jennifer Rourke (collectively, “Plaintiffs”) challenge the Rhode Island candidate nomination process contained in R.I.G.L. §§ 17-14-1 *et seq.* as violating their First and Fourteenth Amendment rights on an “as applied” basis, and hereby move for preliminary and permanent injunction, suspending that ballot qualification process for the upcoming 2020 election cycle (or lesser relief in the form of reduction of the number of signatures required, and critically, the suspension of in-person signature collection and witnesses).

Plaintiff rely upon their Verified Complaint, Affidavits of Michael Fine, MD and Kostantine Nicholas Tsiongas, MD, MPH, and their Memorandum of Law in support of this Emergency Motion.

REQUEST FOR EXPEDITED HEARING

Plaintiffs seek emergency treatment of this Motion, as timing is critical. Plaintiffs had hoped that the legislative and executive branches would have acted to address meaningfully this issue, and waited to file this action to allow time for action by those branches of government. Unfortunately, as evidenced by pending H-7901, discussed in the Verified Complaint and Memorandum of Law, that action is unlikely forthcoming.

Candidate declaration papers must be filed by June 24, 2020, and nomination petitions will be provided to candidates on June 30, 2020. Thereafter, complete nomination papers must be turned into the local board of canvassers (for House of Representative and Senate candidates) by July 10, 2020. As a result, sufficient time must be afforded if changes to the nomination process are ordered.

**JONATHON ACOSTA,
JEANINE CALKIN,
LEONARD CIOE,
GAYLE GOLDIN,
TIARA MACK, and
JENNIFER ROURKE,**
By their attorneys,

/s/ Armando E. Batastini
Armando E. Batastini (# 6016)
Cooperating Attorney, American Civil Liberties Union
of Rhode Island
NIXON PEABODY LLP
One Citizens Plaza, Suite 500
Providence, RI 02903
Tel: (401) 454-1000
Fax: (401) 454-1030
E-mail: abatastini@nixonpeabody.com

Dated: June 16, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to all counsel registered and able to received electronic filings in this case on this 16th day of June, 2020.

/s/ Armando E. Batastini